

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re the General Adjudication)
of the Rights to the Use of Water)
from the Snake River Basin)
Water System)
_____)

Case No. 36-07210 -0001

The State of Idaho, ex rel.)
R. Keith Higginson in his)
official capacity as Director)
of the Idaho Department of)
Water Resources,)

RESPONSE TO OBJECTION

Petitioner,)

vs.)

36-07210 -0001/
93-08-0344

The United States; the State)
of Idaho; and all Claimants to)
the use of water from the Snake)
River Basin Water System,)
Respondents.)
_____)

I. GENERAL INFORMATION

1. Person responding to objection:

Name: R. KEITH HIGGINSON, DIRECTOR

Address: IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449

Briefly describe your interest in this water right:

IDWR is required to file a response to an objection to part I of the director's report pursuant to I.C. section 42-1412(2).

(Over)

2. Person who filed objection:

Name: BLUE LAKES TROUT FARM INC
Address: PO BOX 1237
TWIN FALLS ID 83301

3. If this response is filed by an attorney:

Attorney Name(s): NICHOLAS B. SPENCER
Attorney Address: DEPUTY ATTORNEY GENERAL(S)
IDAHO DEPARTMENT OF WATER RESOURCES
P.O. BOX 44449
BOISE, ID 83711-4449
Attorney Phone No.: (208) 327-7900

II. STATEMENT OF THE RESPONSE

11. Remarks: I respond to the objection concerning the "remarks" listed with the water right.
14. Other: I respond to the objection concerning:
Non-irrigation uses

REASONS SUPPORTING EACH BOX CHECKED

In response to Statement of the Objection items 11 and 14, and all allegations of the objection regarding those items, IDWR responds as follows: Idaho Code Section 42-1411(2) provides that the director's reports shall include "such other matters as are necessary to define the right." The description of non-irrigation uses and the remarks correctly describe the current use of water diverted for fish propagation purposes. Description of the current use is necessary to define the right.

CHANGES TO THE DIRECTOR'S REPORT

The director proposes no changes to the description of this claim in the Director's Report.

Check here if you are submitting documents. Please list each document by the title and number of pages. You may use additional pages if necessary:

	No. of Pages
Notice of Claim No. A36-07210	4

(Over)

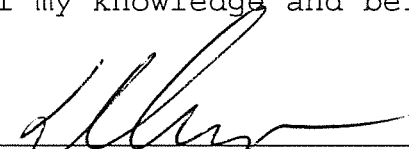
VERIFICATION (Must be Completed)

State of IDAHO

County of ADA

David B. Shaw, being first duly sworn, upon oath, deposes and says:

That R. Keith Higginson, in his official capacity as director of the Idaho Department of Water Resources, is a party to this proceeding, as defined by I.C. 42-1401A(1) and (7); that I am the Adjudication Bureau Chief for IDWR and am authorized by R. Keith Higginson, in his official capacity as director of IDWR, to verify this response; and that I have read the foregoing response, know its contents and that the statements contained therein are true to the best of my knowledge and belief.

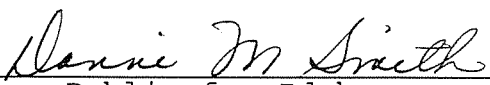


Signature of person filing response

By: 

(Attorney signing in representative capacity)

Subscribed and sworn to before me this 30th day of August, 1993.



Notary Public for Idaho
Residing at: _____
My Commission expires _____

Danni Smith, Notary Public
Residing at Boise, Idaho
My Commission Expires December 5, 1994

CERTIFICATE OF MAILING

I hereby certify that on the 30th day of AUGUST, 1993, I mailed the original and copies of the foregoing response, including all attachments, to the following persons, by mailing the original and/or true and correct copies, postage prepared and addressed as follows:

1. Original to:

Clerk of the District Court
Snake River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, Idaho 83303-2707

2. One copy to the owner of the water right, and you must fill in the following information:

See No. 3

3. One copy to the party who filed the objection, or if represented by an attorney, to their attorney; and you must fill in the following information:

Name: J EVAN ROBERTSON
Address: PO BOX 1906
TWIN FALLS ID 83303-1906

4. One copy to:

United States Department of Justice
Environment and Natural Resource Division
550 West Fort Street, Box 33
Boise, Idaho 83734


Signature of Respondent or attorney
mailing on Respondent's behalf

DATA ENTERED BY AD
DATE 9/15/85

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE STATE OF IDAHO,
IN AND FOR THE COUNTY OF TWIN FALLS

IN RE THE GENERAL ADJUDICATION
OF RIGHTS TO THE USE OF WATER FROM
THE SNAKE RIVER BASIN WATER SYSTEM.

CIVIL CASE NUMBER: 39576

Ident. Number: A36-07210
Date Received: 4/28/1989
Receipt No: 5009188
Received By: AD

RECEIVED

OCT 13 1989

NOTICE OF CLAIM TO A WATER RIGHT
ACQUIRED UNDER STATE LAW

Department of Water Resources
Southern Region Office

1. Name: BLUE LAKES TROUT FARM, INC. 208-733-4631
Address: P.O. BOX 1237
TWIN FALLS, ID 83301

2. Date of Priority: NOV 17, 1971

3. Source: ALPHEUS CREEK Trib. to: SNAKE RIVER

4. Point of Diversion:

Township	Range	Section	1/4 of	1/4 of	1/4 of	Lot	County
09S	17E	28	SW	SW	SW	14	JEROME

5. Description of diverting works:
CHECK DAM TO CANAL TO RACEWAYS.

6. Water is used for the following purposes:

Purpose	From	To	C.F.S	(or)	A.F.A.
FISH PROPAGATION	01/01	12/31	45.000		

7. Total Quantity Appropriated is:
45.000 C.F.S. (and/or) A.F.A.

8. Total consumptive use is Acre Feet Per Annum.

9. Non-irrigation uses:
COMMERCIAL FISH FACILITY.

10. Place of Use:

Township	Range	Section	1/4 of	1/4 of	Lot	Use	Acres
09S	17E	28	NW	SW	13	FISH	
			SW	NE	14	FISH	
			SE	NW	19	FISH	

A36-07210

Page 1

Date: 09/15/89

RECORDED

FEB 03 1993

11. Place of use in counties: JEROME

12. Do you own the property listed above as place of use? YES

13. Other Water Rights Used:
36-2356, 36-7720, 36-7427

14. Remarks:

15. Basis of Claim: LICENSE

16. Signature(s)

(a.) By signing below, I/We acknowledge that I/We have received, read and understand the form entitled "How you will receive notice in the Snake River Basin Adjudication." (b.) I/We do _____ do not wish to receive and pay a small annual fee for monthly copies of the docket sheet.

Number of attachments: 1

For Organizations:

I do solemnly swear or affirm that I am President of
Blue Lakes Trout Farm, Inc., that I have signed the foregoing
Organization document in the space below as President of
Blue Lakes Trout Farm, Inc. and that the statements contained in the
Organization foregoing document are true and correct.

[Signature]
Signature of Authorized Agent
President, Blue Lakes Trout Farm, Inc.
Title and Organization
10/5/89
Date

RECORDED
FEB 03 1993

State of Idaho

County of Twin Falls)
) SS.

Subscribed and sworn (or affirmed) before me this 5 day

of October 19 89

Seal

[Signature]
Notary Public

Residing at Twin Falls

My Commission Expires 12-5-92

MICROFILMED

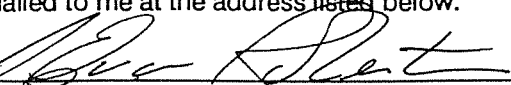
FEB 03 1993

Please Print Name

17. Notice of Appearance:

Notice is hereby given that I, J. Evan Robertson will be acting as attorney at law on behalf of the claimant signing above, and that all notices required by law to be mailed by the director to the claimant signing above should be mailed to me at the address listed below.

Signature


Nelson, Rosholt, Robertson, Tolman & Tucker

Address

P.O. Box 1906, Twin Falls, ID 83303

Date

10-12-89

Last Name

Blue Lakes Trout

Ident. Number

Copies White-State, Yellow-Claimant

FEB 03 1993